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Attorney Docket No. 37167-8039.US01 (13724-845)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Balbierz and Johnson

SERIAL NO.: 09/823,910

FILED: March 30, 2001

FOR: **TISSUE BIOPSY AND TREATMENT APPARATUS AND
METHOD**

EXAMINER: Vrettakos, P.

ART UNIT: 3739

CONFIRMATION NO. 7532

**Information Disclosure Statement After First Office Action but Before
Final Action or Notice of Allowance—37 CFR 1.97(c)**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

This information disclosure is being filed **after** three months of the filing date of this application or **after** the mailing date of the first office action on the merits, whichever occurred last, but **before** the mailing date of either a final action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of the following references are enclosed:

- ☐ References marked with a double asterisk (**).
- ☐ References marked by asterisks
- ☒ All Cited References

☐ Copies of the following references can be found in parent U.S. Application No. *:

- ☐ All cited references
- ☐ References marked with a single asterisk (*).
- ☐ The following:

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, applicant does not admit that any enclosed item of information

constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. **Fee Payment**

☒ Applicant elects to pay the fee under 37 CFR 1.17(p) in the amount of \$180.00.

☒ Enclosed is a check including the amount of \$180 for the fee due.


☒ The Commissioner is hereby authorized to charge any deficiency in fees to ensure timely submission of these papers to Deposit Account No. 50-2207.

5. **Patent Term Adjustment (37 CFR 1.704(d))**

☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,
Perkins Coie LLP

Date: April 5, 2004



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<div><div><div>O I P E</div><div>APR 05 2004</div><div>PATENT & TRADEMARK DIV.</div></div><div>INFORMATION DISCLOSURE STATEMENT BY APPLICANT Form PTO-1449 (Modified) (Use several sheets if necessary)</div></div>				COMPLETE IF KNOWN	
				Application Number	09/823,910
				Filed	March 30, 2001
				First Named Inventor	Balbierz
				Group Art Unit	3739
				Examiner Name	Vrettakos, P.
				Atty Dkt No.	37167-8039.US01 (13724-845)
Sheet 1 of 1				Confirmation No.	7532

U.S. PATENT DOCUMENTS						
Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		US2002/0026127	A1	Balbierz et al.	02/28/02	
		US2002/0077627	A1	Johnson et al.	06/20/02	
		US2003/0109871	A1	Johnson et al.	06/12/03	
		US2003/0212394	A1	Pearson et al.	11/13/03	

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T

FOREIGN PATENT DOCUMENTS								
Examiner Initial	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).	